

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**TATIANA TAFOYA,  
On Behalf of Her Minor Son,  
ENZO CONTRERAS,**

**Plaintiff,**

**v.**

**No. 2:22-cv-00492-WJ-SMV**

**CITY OF CLOVIS et. al.**

**Defendants.**

**ORDER APPOINTING GUARDIAN AD LITEM**

THIS MATTER having come before the Court for the appointment of a *Guardian ad Litem* to assist the Court in evaluating a proposed settlement of this pending litigation, the Court having reviewed the file and being otherwise fully advised, hereby finds:

1. A *Guardian ad Litem* should be appointed by this Court in connection with the Court's approval of the settlements involving Enzo Contreras, minor.

2. The *Guardian ad Litem* should be appointed to investigate on behalf of the Court into the fairness and reasonableness of the settlements and its effect on the minor.

3. The *Guardian ad Litem's* appointment does not contemplate representation of the minor as an advocate, but only as a functionary of the Court.

4. The *Guardian ad Litem's* responsibilities under this appointment are to the Court, and not to the child. The child in this matter are already represented by competent counsel, and the *Guardian ad Litem*, under this appointment, should not be requested to invade or interfere with the child's counsel's responsibility to adequately and effectively represent the child.

5. There are strong public policy reasons to grant immunity to the *Guardian ad Litem* in this case, who is acting as an "Arm of the Court" and is performing an essential role in this

Court's Administration of Justice, as the Judge's assistant.

6. All immunities and privileges available to the *Guardian ad Litem*, as articulated by the New Mexico Supreme Court in *Collins v. Tabet*, 111 N.M. 391, 806 P.2d 40 (1991) should be extended to the *Guardian ad Litem* in this matter.

7. Attorney Nicole Charlebois is qualified to perform as a *Guardian ad Litem* in this matter.

8. The reasonable fees for the *Guardian ad Litem* shall be paid by the Defendants.

9. As the court-appointed *Guardian ad Litem*, Nicole Charlebois shall be deemed a party entitled to participate, to have notice of all proceedings, and to receive copies of all pleadings and correspondence among the parties

10. The *Guardian ad Litem* shall be discharged from her duties as *Guardian ad Litem* upon settlement and conclusion of any litigation herein.

11. Pursuant to the disclosed unavailability of Nicole M. Charlebois, no hearings or other proceedings related to this settlement that require the attendance of Nicole M. Charlebois in her capacity as the guardian litem will be set from October 16 – November 4, 2022

THEREFORE IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Nicole M. Charlebois shall be appointed *Guardian ad Litem* as an "Arm of the Court," appointed in connection with this Court's consideration of the settlements involving the minor child. Nicole Charlebois shall be absolutely immune from any liability for her actions taken pursuant to this appointment, in so far as her conduct in the case is as a result of an investigation on behalf of this Court into the fairness and reasonableness of the settlements, the manner in which the settlement monies will be held or used on behalf of the minor child and in its effect on the minor child. The *Guardian ad Litem's* duties and obligations in this Court are owed to the Court, and not to the minor child.

This appointment of Nicole Charlebois, as *Guardian ad Litem* is intended to convey upon her in all of the immunities and protections allowed or provided under *Collins v. Tabet*, 111 N.M. 391, 806 P.2d 40 (1991).



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Stephan M. Vidmar  
United States Magistrate Judge

SUBMITTED BY:

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